

ORIGINAL**FILED**

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA*CR*
DEPUTY

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6 **No Filing Fee Required**

7 **Pursuant to 38 U.S.C. §4323(h)(1)**

8 UNITED STATES DISTRICT COURT
 9 SOUTHERN DISTRICT OF CALIFORNIA

BY FAX

12 JORDAN MARASSO

13 Plaintiff,

14 vs.

15 ASPLUNDH TREE EXPERT COMPANY,
 16 and Does 1 through 5, inclusive

17 Defendants

Case No.
08 CV 1636 LAB POR

COMPLAINT FOR DISCRIMINATION
 UNDER 38 U.S.C. §4301, ET SEQ.;
 DISCRIMINATION UNDER
 CALIFORNIA MILITARY AND
 VETERANS CODE §394; TORTIOUS
 DISCHARGE IN VIOLATION OF
 PUBLIC POLICY; PUNITIVE
 DAMAGES

DEMAND FOR JURY TRIAL

JURISDICTION, VENUE AND THE PARTIES

23 1. Count I of this complaint arises under the Uniformed Services Employment and
 24 Reemployment Rights Act (“USERRA”), 38 U.S.C. §§4301-4333. The jurisdiction of this court
 25 is founded on federal question jurisdiction, 28 U.S.C. §1331, as conferred by 38 U.S.C.
 26 §4323(b)(3). Jurisdiction as to the remaining Counts is conferred by 28 U.S.C. §1337(a). Venue
 27 is proper because the defendant former employer maintains a place of business in this district, as
 28 provided in 38 U.S.C §4323(c)(2).

CR

1 2. Defendants Doe 1 through Doe 5, inclusive, are sued herein under fictitious names.
2 Their true names and capacities are unknown to plaintiff. When their true names and capacities
3 are ascertained, plaintiff will amend this complaint by inserting their true names and capacities
4 herein. Plaintiff is informed and believes and thereon alleges that each of the fictitiously named
5 defendants is responsible in some manner for the occurrences herein alleged, and that plaintiff's
6 damages as herein alleged were proximately caused by those defendants. Each reference in this
7 complaint to "defendant," "defendants," or a specifically named defendant refers also to all
8 defendants sued under fictitious names.

9 3. Plaintiff Jordan Marasso, at all pertinent times alleged herein, was a citizen and
10 resident of Oceanside, California.

11 4. Plaintiff is informed and believes, and alleges on the basis of that information and
12 belief, that defendant Asplundh Tree Expert Company. (hereinafter "Asplundh") is a corporation
13 that maintains a place of business in El Cajon, California.

14 5. Plaintiff further alleges that the work duties he performed under the employment
15 contract that gave rise to the allegations set forth herein were substantially performed in El
16 Cajon, California.

17 6. Plaintiff is informed and believes and thereon alleges that at all times herein mentioned
18 defendants, and each of them, were the agents, servants and employees each of the other, acting
19 within the course and scope of said agency and employment.

GENERAL FACTUAL ALLEGATIONS

7. On or about July 28, 2005, plaintiff joined the California Army National Guard.

24 8. In or around February of 2006, plaintiff began working for an arborist company called
25 Provco as a vegetative technician.

26 9. In June of 2007, plaintiff's National Guard unit was activated, and he was deployed to
27 Iraq.

28 10. In or around January of 2008, while plaintiff was still deployed in Iraq, he was notified

1 by his family that a letter dated August 31, 2008, had been sent to his home from Provco. The
2 letter informed him that he had been terminated as of August 31, 2007, and further noted that the
3 company had been sold. Plaintiff later learned that Provco had been purchased by Asplundh, and
4 that facility where plaintiff had been working had begun operating as an Asplundh facility on
5 September 1, 2008, i.e. one day after his termination date.

6 11. Plaintiff is informed and believes and thereon alleges that prior to Asplundh's official
7 take over of Provco on September 1, 2007, there were discussions between the two companies as
8 to which employees would be kept on after the transition, and that as a result of those discussions
9 Asplundh, individually or together with Provco, decided that plaintiff would be terminated.

10 12. Plaintiff further is informed and believes, and thereon alleges that with the sole
11 exception of two other employees who had been deemed ineligible for rehire by Asplundh
12 because of negative previous employment histories with that company, plaintiff was the only
13 Provco employee who was not kept on after Asplundh took over.

14 13. When word of his termination finally reached plaintiff in Iraq, he made a phone call in
15 January 2008 from that country to the facility where he had worked while employed by Provco.
16 and discussed his termination with Asplundh management employee Mike Powell.

17 14. At multiple times during this conversation, Mike Powell explained to plaintiff that the
18 decision had been made not to keep him on after the Asplundh takeover, and that his
19 employment had been terminated.

20 15. Plaintiff further alleges that defendant Asplundh was a successor employer to Provco
21 as defined by 39 U.S.C. §4303 and 20 Code of Federal Regulations §1002.35, inasmuch as there
22 was a substantial continuity in operations, facilities, and workforce after Asplundh took over the
23 Provco facility where plaintiff was employed. Therefore, to the extent that Provco was
24 responsible for the decision to terminate plaintiff's employment, Asplundh is liable under the
25 successor liability provision of USERRA.

26 16. Plaintiff also alleges that Asplundh was a successor employer for purposes of
27 plaintiff's state law claims based on the fact that there was a substantial continuity of the

1 business operations, including, but not limited to the use of substantially the same employees, the
2 same location, the same supervisory personnel, and same equipment. After the takeover, the
3 facility where plaintiff had been employed continued to perform the same work and provide the
4 same services as it did when it was known as "Provco" and, other than the name change, the
5 facility operated in the substantially the same manner as it had prior to the takeover.
6 Consequently, under the principle of successor liability, Asplundh is liable for any of Provco's
7 conduct as it relates to plaintiff and the claims he has brought in this action.

8 17. Plaintiff alleges that, at all times relevant herein, he was a good employee who
9 performed his work duties in a conscientious and professional manner. Accordingly, it is alleged
10 that defendants had no good cause or justification to terminate his employment.

11

12

COUNT 1

13

(Discrimination under 38 U.S.C. §4301 et seq.)

14 18. Plaintiff realleges and incorporates the allegations of Paragraphs 1 through 17 of this
15 complaint, as though fully set forth herein.

16

17 19. The Uniformed Services Employment and Reemployment Rights Act ("USERRA")
18 (38 U.S.C. §§4301-4333) prohibits discrimination in employment against individuals who have
been called to duty in the uniformed services.

19

20 20. Plaintiff is informed and believes, and thereon alleges that he was singled out for
21 termination, and that defendants' motive in terminating his employment was his participation in
active duty in the California Army National Guard which constitutes a violation of USERRA.

22

23 21. As a direct and proximate result of the conduct of defendants as set forth in this count,
24 plaintiff has suffered injuries and damages including but not limited to, loss of past and future
earnings, loss of past and future benefits, all to his damage in an amount that has yet to be
ascertained, according to proof.

25

26 22. Plaintiff alleges such violations of USERRA were willful and requests liquidated
27 damages pursuant to 38 U.S.C. §4323(d)(1)(C).

28

29 23. Pursuant to 38 U.S.C. §4323(h)(2), plaintiff further requests an award of reasonable

1 attorney's fees, expert witness fees, and other litigation expenses.

2

3

COUNT II

4 (Discrimination under California Military and Veterans Code §394)

5 24. Plaintiff realleges and incorporates the allegations of Paragraphs 1 through 17 of this
6 complaint as well as Count I as if set forth fully herein.

7 25. Plaintiff brings this claim under California state law with federal court jurisdiction
8 being conferred by 28 U.S.C. §1337(a).

9 26. California Military & Veterans Code §394 provides that no person shall discriminate
10 against any enlisted member of the military or naval forces of the United States because of that
11 membership. Section 394 also provides that no employer or person shall discharge any person
12 from employment because of the performance of any ordered military duty, or prejudice or harm
13 him in any manner in his employment, position, or status by reason of performance of military
14 service or duty.

15 27. Defendants' conduct, as alleged herein above, constitutes a violation of §394.

16 28. As a direct and proximate result of the conduct of defendants as set forth in this count,
17 plaintiff has suffered injuries and damages including but not limited to, loss of past and future
18 earnings, loss of past and future benefits, all to his damage in an amount that has yet to be
19 ascertained, according to proof.

20 29. As a further direct result of the conduct of defendants as set forth in this count, plaintiff
21 suffered emotional distress including but not limited to, depression, frustration, anger, loss of self
22 worth, and humiliation, all to his damage in an amount that has yet to be ascertained, according
23 to proof.

24 30. Defendant's acts as herein before described were committed maliciously, fraudulently
25 or oppressively with the intent of injuring plaintiff, and/or with a willful and conscious disregard
26 of plaintiff's right to be free of workplace discrimination. Because these acts were carried out by
27 officers, directors and/or managing agents of defendants in a despicable, deliberate and
28 intentional manner, plaintiff is entitled to recover punitive damages under California Civil Code

§3294.

31. Pursuant to California Military and Veterans Code §394(g), plaintiff requests an award of attorney fees against defendants, and each of them.

COUNT III

(Tortious Discharge in Violation of Public Policy)

32. Plaintiff realleges and incorporates the allegations of Paragraphs 1 through 17 of this complaint as well as Counts I and II as if set forth fully herein.

33. Plaintiff brings this claim under California state law with federal court jurisdiction being conferred by 28 U.S.C. §1337(a).

34. Both the California Military and Veterans Code §394, which makes violations thereof a misdemeanor, and USERRA, 38 U.S.C. §§4301 et seq., express the public policy of prohibiting discriminating against members of the uniformed services because of such status and/or participation in military service, by taking adverse employment actions against such persons.

35. As set forth in the complaint herein, defendants violated both of these code sections.

36. As a direct and proximate result of the conduct of defendants as set forth in this count, plaintiff has suffered injuries and damages including but not limited to, loss of past and future earnings, loss of past and future benefits, all to his damage in an amount that has yet to be ascertained, according to proof.

37. As a further direct result of the conduct of defendants as set forth in this count, plaintiff suffered emotional distress including but not limited to, depression, frustration, anger, loss of self worth, and humiliation, all to his damage in an amount that has yet to be ascertained, according to proof.

38. Defendants' acts as herein before described were committed maliciously, fraudulently or oppressively with the intent of injuring plaintiff, and/or with a willful and conscious disregard of plaintiff's right to be free of workplace discrimination. Because these acts were carried out by officers, directors and/or managing agents of defendants in a despicable, deliberate and intentional manner, plaintiff is entitled to recover punitive damages under California Civil Code

§3294.

WHEREFORE, based on the foregoing, plaintiff prays for relief against defendants, and each of them, as follows:

AS TO COUNT I

1. For special damages including lost wages, lost employee benefits, bonuses, vacation benefits in an amount that has yet to be ascertained, according to proof;
 2. For liquidated damages pursuant to 38 U.S.C. §4323(d)(1)(C);
 3. For fees and expenses, including attorney fees pursuant to 38 U.S.C. §4323(h)(2);

AS TO COUNT II

4. For special damages including lost wages, lost employee benefits, bonuses, vacation benefits in an amount that has yet to be ascertained, according to proof;
 5. For general damages in an amount that has yet to be ascertained, according to proof;
 6. For punitive damages;
 7. For attorney fees pursuant to California Military and Veterans Code §394(g);

AS TO COUNT III

8. For special damages including lost wages, lost employee benefits, bonuses, vacation benefits in an amount that has yet to be ascertained, according to proof;
 9. For general damages in an amount that has yet to be ascertained, according to proof;
 10. For punitive damages;

AS TO ALL CAUSES OF ACTION

11. For costs of suit incurred;
 12. For prejudgment interest;
 13. For such other and further relief as this court may deem just and proper.

Dated: September 2, 2008

JAMES W. JOHNSTON
Attorney for Plaintiff,
JORDAN MARASSO

1 Plaintiff hereby demands a jury trial on all issues.
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3 Dated: September 2, 2008
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JAMES W. JOHNSTON
Attorney for Plaintiff,
JORDAN MARASSO



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U.S. Code collection

TITLE 38 > PART III > CHAPTER 43 > SUBCHAPTER III > § 4323

§ 4323. Enforcement of rights with respect to a State or private employer

(a) Action for Relief.—

- (1) A person who receives from the

Secretary a notification pursuant to section 4322 (e) of this title of an unsuccessful effort to resolve a complaint relating to a State (as an employer) or a private employer may request that the Secretary refer the complaint to the Attorney General. If the Attorney General is reasonably satisfied that the person on whose behalf the complaint is referred is entitled to the rights or benefits sought, the Attorney General may appear on behalf of, and act as attorney for, the person on whose behalf the complaint is submitted and commence an action for relief under this chapter for such person. In the case of such an action against a State (as an employer), the action shall be brought in the name of the United States as the plaintiff in the action.

(2) A person may commence an action for relief with respect to a complaint against a State (as an employer) or a private employer if the person—

- (A) has chosen not to apply to the Secretary for assistance under section 4322 (a) of this title;
- (B) has chosen not to request that the Secretary refer the complaint to the Attorney General under paragraph (1); or
- (C) has been refused representation by the Attorney General with respect to the complaint under such paragraph.

(b) Jurisdiction.—

(1) In the case of an action against a State (as an employer) or a private employer commenced by the United States, the district courts of the United States shall have jurisdiction over the action.

(2) In the case of an action against a State (as an employer) by a person, the action may be brought in a State court of competent jurisdiction in accordance with the laws of the State.

(3) In the case of an action against a private employer by a person, the district courts of the United States shall have jurisdiction of the action.

(c) Venue.—

(1) In the case of an action by the United States against a State (as an employer), the action may proceed in the United States district court for any district in which the State exercises any authority or carries out any function.

(2) In the case of an action against a private employer, the action may proceed in the United States district court for any district in which the private employer or the person maintains a place of business.

(d) Remedies.—

(1) In any action under this section, the court may award relief as follows:

(A) The court may require the employer to comply with the provisions of this chapter.

(B) The court may require the employer to compensate the person for any loss of wages or benefits suffered by reason of such employer's failure to comply with the provisions of this chapter.

(C) The court may require the employer to pay the person an amount equal to the amount referred to in subparagraph (B) as liquidated damages, if the court determines that the employer's failure to comply with the provisions of this chapter was willful.

(2)

(A) Any compensation awarded under subparagraph (B) or (C) of paragraph (1) shall be in addition to, and shall not diminish, any of the other rights and benefits provided for under this chapter.

(B) In the case of an action commenced in the name of the United States for which the relief includes compensation awarded under subparagraph (B) or (C) of paragraph (1), such compensation shall be held in a special deposit account and shall be paid, on order of the Attorney General, directly to the person. If the compensation is not paid to the person because of inability to do so within a period of 3 years, the compensation shall be covered into the Treasury of the United States as miscellaneous receipts.

(3) A State shall be subject to the same remedies, including prejudgment interest, as may be imposed upon any private employer under this section.

(e) Equity Powers.— The court may use its full equity powers, including temporary or permanent injunctions, temporary restraining orders, and contempt orders, to vindicate fully the rights or benefits of persons under this chapter.

(f) Standing.— An action under this chapter may be initiated only by a person claiming rights or benefits under this chapter under subsection (a) or by the United States under subsection (a)(1).

(g) Respondent.— In any action under this chapter, only an employer or a potential employer, as the case may be, shall be a necessary party respondent.

(h) Fees, Court Costs.—

(1) No fees or court costs may be charged or taxed against any person claiming rights under this chapter.

(2) In any action or proceeding to enforce a provision of this chapter by a person under subsection (a)(2) who obtained private counsel for such action or proceeding, the court may award any such person who prevails in such action or proceeding reasonable attorney fees, expert witness fees, and other litigation expenses.

(i) Inapplicability of State Statute of Limitations.— No State statute of limitations shall apply to any proceeding under this chapter.

(j) Definition.— In this section, the term “private employer” includes a political subdivision of a State.

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ORIGINAL

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

JORDAN MARASSO

(b) County of Residence of First Listed Plaintiff SAN DIEGO
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address and Telephone Number)

James W. Johnston, 3877 Twelfth Street, Riverside, CA 92501
(213) 291-0648

DEFENDANTS

08 SEP -5 PM 3:47

ASPLUNDH TREE EXPERT COMPANY

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

'08 CV 1636 LAB POR

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- | | |
|--|--|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State	PTF	DEF	PTF	DEF
<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appellate USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Mod. Malpractice	<input type="checkbox"/> 620 Other Prod & Drug	<input type="checkbox"/> 423 Withdrawal	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 313 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 28 USC 157	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 450 Commerce	
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 460 Deportation	
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth In Lending	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 480 Consumer Credit	
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 490 Cable/Sat TV	
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 510 Selective Service	
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 850 Securities/Commodities Exchange	
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 875 Customer Challenge	
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 861 HIA (1395f)	<input type="checkbox"/> 12 USC 3410	
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 750 Other Labor Litigation	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 890 Other Statutory Actions	
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 761 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 863 DIWC/DIW (405(g))	<input type="checkbox"/> 891 Agricultural Acts	
<input type="checkbox"/> 230 Rent Lsue & Eviction	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 765 Death Penalty	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 892 Economic Stabilization Act	
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 840 Mandamus & Other	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 893 Environmental Matters	
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 850 Civil Rights	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 894 Energy Allocation Act	
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 855 Prison Condition	<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 895 Freedom of Information Act	
	<input type="checkbox"/> 440 Other Civil Rights		<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 900 Appeal of Tax Determination Under Equal Access to Justice	
			<input type="checkbox"/> 463 Habeas Corpus - Alien Detainee	<input type="checkbox"/> 950 Constitutionality of State Statutes	
			<input type="checkbox"/> 465 Other Immigration Actions		

V. ORIGIN

(Place an "X" in One Box Only)

- | | | | | | | |
|---|---|--|---|--|---|--|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from another district (specify) _____ | <input type="checkbox"/> 6 Multidistrict Litigation | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment |
|---|---|--|---|--|---|--|

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
38 U.S.C. §§4301-4333

VI. CAUSE OF ACTION

Brief description of cause:
Employment Discrimination/termination based on military status.

VII. REQUESTED IN COMPLAINT:

 CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DEMANDS

CHECK YES only if demanded in complaint;
JURY DEMAND: Yes No

VII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

09/02/2008

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFFP

JUDGE

MAG. JUDGE

OK